

REMARKS

Applicants respectfully request that the Examiner amend the present application by entering the amendments set forth above in the Listing of Claims. Under 37 C.F.R. § 1.116(b)(3), an amendment that touches the merits of an application and is submitted after a final rejection “may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.” Applicants submit that the present amendments place this application in condition for allowance by rendering all pending claims allowable over the cited art. Applicants believe the amendments are necessary in light of the Examiner’s most recent explanation of the grounds for rejection, and were not presented earlier because Applicants believed that their prior responses had placed the application in condition for allowance, for at least the reasons discussed in those responses. Accordingly, entry of the present amendments, as an earnest attempt to advance prosecution, is requested under 37 C.F.R. § 1.116(b)(3).

35 U.S.C. § 102 and § 103 Rejections

Claims 1-7, 10, 21-24, 26, and 34-38 are rejected under 35 U.S.C. 102(b) as being anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as being obvious over, U.S. Patent No. 5,766,076 to Pease et al. (“Pease”).

The Pease reference is directed to “a hierarchically-organized progressive gaming system in which the central system need not directly award a prize to a player at an individual gaming device or terminal.” Pease at 1:65–2:1. Applicants respectfully submit that independent claims 1, 21, and 34, as amended, are patentably distinct from the system taught in the Pease reference.

The Examiner points to the central computer system 106 of the Pease reference as constituting the claimed “central authority,” and points to the database maintained by gateway

processor 138 as constituting the claimed “second database.” The Examiner also cites portions of Pease to show that input data is transmitted to gaming machines 108 from the central computer system 106 (citing Pease at 6:46-52 and 7:3-13), that output data from the gaming machines 108 is transmitted to the central computer system 106 (citing Pease at 2:12-16 and Fig. 1), and that both input and output data are stored in the database maintained by the gateway processor 138 (citing Pease at 6:11-23 and 6:58-62).

With respect to the limitation of independent claims 1, 21 and 34 requiring that input data be transmitted to a gaming machine “without command from the central authority,” the Examiner asserts in the alternative that either: 1) Pease discloses that limitation by virtue of the fact that Pease “does not teach a separate command from the central computer system” (i.e. the Examiner appears to treat the lack of any express teaching that there is a command as an express teaching that there is not such a command), and Pease therefore anticipates the claims; or 2) Pease makes that limitation obvious by disclosing that an interrupt system may be used in place of a poll-driven system, and Pease therefore renders the claims obvious (although the Examiner cites no second prior art reference in coming to this conclusion).

While Applicants respectfully disagree with the Examiner’s views on the “without command from the central authority” limitation, Applicants have nonetheless amended each of independent claims 1, 21 and 34 to further distinguish those claims from the asserted Pease reference. First, the functionality of the plurality of gaming machines has been further defined to require that at least one gaming machine “(i) comprises a meter configured to generate meter data, (ii) comprises a jackpot meter configured to generate jackpot data, (iii) is responsive to player cards having associated player identification numbers, (iv) is responsive to tickets having associated ticket validation numbers, and (v) is configured to generate tickets having associated

ticket validation numbers.” These limitations are supported by Applicants’ original specification at least at paragraphs 30-31 and 33-34 and at Figure 3.

Second, the input data and output data have been further defined to specify some of the types of information that must be communicated between the gaming machines and the central authority. The input data has been defined as comprising “one or more credit balances corresponding to one or more player identification numbers and one or more ticket values corresponding to one or more ticket validation numbers,” and the output data has been defined as comprising “meter data, jackpot data, ticket data, and player data.” These limitations are supported by Applicants’ original specification at least at paragraphs 34, 43, 52-57 and 60-61.

In light of the amendments, Applicants submit that Pease does not anticipate or make obvious independent claims 1, 21 or 34. Pease teaches a gaming system having a processor between the central computer system 106 and the gaming machines 108 (i.e., gateway processor 138) that receives, stores and transmits data used for a hierarchical progressive jackpot (including security functions related thereto). Specifically, Pease describes the following exchange of information involving gateway processor 138:

The processor 138 receives information from the casino system, e.g., over a token ring connection 144, and/or a communications or data tap, such as an RS 232 connection 146. The information received from the casino system 102 may include information regarding which gaming devices 108 are being played, the identity of players at various gaming devices, the amount wagered at the various coupled gaming devices in the casino, and the like. The processor 138 communicates a number of types of information to the central system 106, including accumulated amounts of contributions to the jackpot, e.g., in amounts to permit the casino system 102 to have a chance at the prize.

Pease at 5:44-60 (emphasis added). See also Pease at 6:48-52 (the central computer system may poll the gateway processor 138 to collect jackpot contributions from the casinos); Pease at 8:2-18, 8:32-35 and 8:55-60 (player identities may be transmitted to the central computer system 106

for purposes of selecting a jackpot winner). Pease further discloses that the central computer system 106 may randomly select gaming machines and request information regarding their status (providing as the only example whether a valid player ID card is inserted), “in order to detect and/or discourage cheating.” Pease at 6:52-58. In the other direction, Pease discloses that the central computer system 106 may convey the current value of the jackpot to the gaming machines via the gateway processor 138. Pease at 6:58-7:2.

Thus, Pease specifically discloses that the data sent to the central computer system 106 (i.e. output data) includes: 1) information regarding which gaming machines 108 are being played; 2) player identities; 3) amounts wagered at gaming machines 108 (which, when aggregated, constitute “jackpot contributions”); and 4) whether a valid player ID card is inserted at a gaming machine 108. In the other direction, Pease specifically discloses only that the data sent to the gaming machines 108 (i.e. input data) includes the current value of the jackpot. Even if the amounts wagered at the gaming machines 108 are construed as the claimed “meter data,” and even if the player identities sent to central computer system 106 are construed as the claimed “player data,” Pease still fails to disclose all the limitations of claims 1, 21 or 34.

First, Pease fails to disclose any gaming machine input or output data, communicated between gaming machines and a central authority and temporarily stored in a second database apart from the central authority first database, that relates to ticketing functions (i.e. “ticket values” or “ticket data”). Prior to these amendments, dependent claims 8, 9, 25 and 39 (now canceled) each included similar limitations, requiring that the input data include “ticket values,” and/or that the ticket values be stored in the second database. The Examiner conceded that Pease lacks any such teaching, but rejected those claims as obvious based on Pease in view of U.S. Patent No. 6,682,421 to Rowe et al. (“Rowe”). The Examiner pointed to Rowe’s teaching that

player satisfaction may be increased by utilizing a ticket validation system, where tickets printed at one gaming machine may be redeemed or used for credit at other gaming machines. See e.g. Rowe at 1:36-47.

Applicants submit that Rowe does not make it obvious to add the “ticket data” or “ticket values” limitations of amended claims 1, 21 or 34. While Rowe does teach that it is advantageous to implement a ticket validation system, it does not teach that it is advantageous to provide local processing and storage for the ticketing-related data that is passed between the gaming machines and a central ticketing authority or ticketing workstation. To the contrary, a person having ordinary skill in the art, implementing the system of Pease and desiring to add the ticket validation functionality of Rowe, would naturally be inclined to add the necessary central processing and storage as part of computer network 118 in Pease. This would be the natural choice because Pease shows that all of the centralized, non-jackpot-related processing and storage takes place within computer network 118 rather than central computer system 106. See Pease at 5:25-34 and Fig. 1. Because Pease does not disclose any local storage that separates computer network 118 from the gaming machines 108, this method of combining Pease and Rowe would not include all the limitations of the amended claims. Moreover, even if a person having ordinary skill in the art would want to centralize ticket validation at a higher level (i.e. across multiple casinos), there is no teaching or suggestion in Pease or Rowe that the centralized processing and storage for ticketing functions would make any use of the gateway processor 138 (which Pease describes only in terms of its functionality for a progressive jackpot), or that it would include any other local processor or local database.

Second, Pease fails to disclose any gaming machine input data, stored in a second database and transmitted to gaming machines, that includes “credit balances.” Pease does

suggest in passing that the central computer system 106 may be involved in player tracking, by stating that, in an alternate embodiment, a player card “may be encoded with an identity number (ID) or other identification information that is then used to determine the value in a corresponding account held in the central computer system.” Pease at 3:61-64. This appears to suggest that the central computer system 106 of Pease sends “credit balances” to the gaming machines. However, Pease neither teaches nor suggests that any such credit balance data would be stored in a database in the gateway processor 138. To the contrary, Pease only describes the gateway processor 138 as having processing and storage functionality related to the hierarchical progressive jackpot. Thus, even though Pease may disclose or suggest gaming machine input data including “credit balances,” it does not disclose or suggest storage of such data in a second database.

The additional types of input and output data required under the amended claims are not merely trivial or obvious variations. In addition to the fact that they are not individually disclosed by Pease (or by Pease in combination with Rowe), the newly added claim limitations reflect a system architecture that is very different than the architecture of the Pease system. In Pease, all non-jackpot-related functionality that requires centralized processing and storage—i.e. most of the functionality that is typically associated with a “central authority”—is shown and described as being located not in central computer system 106, but rather in computer network 118, with no local (i.e. second) database to store the data passing between the gaming machines and the computer network 118. See e.g. Pease at 3:11-15, 3:37-42, 5:25-34 and Fig. 1. Only the centralized jackpot system of Pease utilizes any intermediate storage of gaming machine input and output data, and Pease does not teach that it is advantageous to include such storage for any other centralized operations (such as player tracking or ticketing). Conversely, under the

systems and methods of amended claims 1, 21 and 34, a great deal of the functionality requiring centralized processing and storage (not just the functionality relating to a hierarchical progressive jackpot) requires data communications to be stored in a second database.

This difference in system architecture reflects the difference in the purpose of each system. While Pease provides central storage and processing for a hierarchical progressive jackpot system so that the jackpot may be available to a wider range of players (see e.g. Pease at Abstract), the invention of the present application seeks to reduce data congestion and data loss by more broadly providing local storage for data communications between gaming machines and the central authority (see e.g. ¶¶ 3, 5). Given the stated purpose of Pease, a person having ordinary skill in the art would not seek to implement the gateway processor 138 of Pease in such a way as to decrease jackpot-related data congestion or data loss (e.g. by optimally setting the frequency of periodic polling rates, etc.). As a result, such persons would not recognize any incidental advantage regarding data congestion or data loss arising from the use of the gateway processor 138 in Pease, and thus would not have found it obvious to alter Pease by expanding the system to provide intermediate processing and storage for non-jackpot-related data used for other centralized functions of a gaming system (player tracking, ticketing, etc.). Accordingly, the asserted prior art does not render independent claims 1, 21 or 34 obvious.

Claims 2-3, 5, 23 and 36 depend from claim 1, 21, or 34, and are thus allowable over the prior art of record at least for the same reasons that claims 1, 21 or 34 are allowable. Applicants note that the amendments to dependent claims 5, 23 and 36 do not add any new matter, being supported by at least paragraph 59 of Applicants' original specification.

Applicants have cancelled claims 4, 6-10, 22, 24-26, 35 and 37-39, and therefore need not address the Examiner's corresponding rejections.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully request allowance of all pending claims, i.e. claims 1-3, 5, 21, 23, 34 and 36. A Notice of Allowance is respectfully solicited.

If the Examiner has any questions or if Applicants can be of any assistance, the Examiner is invited and encouraged to contact Applicants at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,
McAndrews, Held & Malloy, Ltd.

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